

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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LORI P. MITCHELL,

Plaintiff,

vs.

MACY'S, INC., MACY'S RETAIL  
HOLDINGS, INC., USI SERVICES  
GROUP, INC., PATRICK PICA, and  
FRANK GRAHAM,

Defendants.

Civil Case No. 08-CV-1191 (DC)

**STIPULATION AND ORDER**  
**DISMISSING CERTAIN CLAIMS**  
**AGAINST DEFENDANT USI SERVICES**  
**GROUP, INC.**

Plaintiff Lori P. Mitchell and Defendant USI Services Group, Inc. ("USI"), by and through their undersigned counsel, hereby stipulate that:

1. Plaintiff's claim against USI in Count I of the Third Amended Complaint, Plaintiff's discrimination claim under Title VII of the Civil Rights Act of 1964, is hereby dismissed in its entirety and with prejudice;

2. Plaintiff's claim against USI in Count II of the Third Amended Complaint, Plaintiff's retaliation claim under Title VII of the Civil Rights Act of 1964, is hereby dismissed in its entirety and with prejudice;

3. Plaintiff's claim against USI for attorneys' fees under the New York State Human Rights Law, in Counts III and IV of the Third Amended Complaint, is hereby dismissed with prejudice;

4. Plaintiff's claim against USI for punitive damages under the New York State Human Rights Law, in Counts III and IV of the Third Amended Complaint, is hereby dismissed with prejudice;

5. Defendant USI shall file and serve its Answer to the Third Amended Complaint, as amended by this Stipulation, by no later than June 13, 2008.

MANDELBAUM, SALSBURG, GOLD,  
LAZRIS, & DISCENZA, P.C.  
Attorneys for Defendant USI Services Group, Inc.

DATED: June 4, 2008

By: /s/ William H. Healey  
WILLIAM H. HEALEY

GALLET DREYER & BERKEY, LLP  
Attorneys for Plaintiff Lori P. Mitchell

DATED: June 4, 2008

By: /s/ David T. Azrin  
DAVID T. AZRIN

SO ORDERED:

  
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HON. DENNY CHIN, U.S.D.J.

6/12/08